



## COMMISSION ON PEOPLE WITH DISABILITIES

### **By-Laws**

Amended December 9, 1998

#### **Article I Authority**

**Section 1. Name** Refer to Montgomery County Code Sec. 27-51.

**Section 2. Legislative Basis** Refer to Montgomery County Code Sec. 27-50.

**Section 3. Purpose** Refer to Montgomery County Code Sec. 27-52.

**Section 4. Authority** The Commission on People with Disabilities shall have such authority as may be conferred upon it pursuant to the law.

#### **Article II Duties and Responsibilities**

**Section 1. Function** Refer to Montgomery County Code Sec. 27-52.

**Section 2. Reporting** Refer to Montgomery County Code Sec. 27-52(j).

#### **Article III Membership**

**Section 1. Composition** Refer to Montgomery County Code Sec 27-51. The Commission shall have 25 voting members, and at least 6 non-voting members, according to Section 27-51(a) of the Montgomery County Code, as amended. Non-voting members are expected to participate fully in the work of the Commission. They are not; however, eligible to serve as Officers or as Chairperson of a Committee; nor may they make or second motions in Commission meetings.

**Section 2. Compensation** Refer to Montgomery County Code Sec. 27-51(b). Members may request reimbursement for mileage and dependent care rates established by the County.

**Section 3. Ethics** The Commission members shall abide by the Montgomery County Code, Chapter 19A. Each committee member has a responsibility to adhere to the County’s sexual harassment and non-discrimination policies.

**Section 4. Liability** Commission members have liability protection under the Local Government Tort Claims Act for actions arising out of their scope of employ, i.e. their commission responsibilities. Commission members will also receive certain medical benefits; this coverage is limited, however, to benefits payable for reasonable medical treatment comparable to medical benefits payable under the Maryland Worker’ Compensation Act. Members must be registered with the County’s Risk Management System. Commission members should ask staff for the appropriate form.

**Section 5. Resignations and Vacancies** Resignations and the filling of vacancies may occur as follows:

- (a) Member Resignation A member shall notify the County Executive and the Chairperson, or
- (b) De Facto Resignation Refer to Montgomery County Code, Sec. 2-148. Unless law provides another method, a member of a committee who is absent from 25 percent or more of the scheduled meetings or hearing during any six-month period is considered to have resigned from the committee. The presiding officer of the committee must promptly notify the appointing authority and the member who has resigned through absence. The appointing authority may waive the resignation for illness, emergency, or other good cause.
- (c) Vacancies In the event of a vacancy, procedures for appointment of a replacement follow the same pattern as for original appointment.
  - (1) In the event of any vacancy in a voting membership occurring during a member's term, the Steering Committee may immediately nominate a person for consideration by the County Executive from the most recent eligible list of applicants, if vacancies have been advertised within the past six (6) months. If more than 6 months has past, the new vacancy(ies) will have to be advertised and new applicants considered.

**Section 6. Responsibilities** It is understood that application and acceptance of membership for both voting and non-voting members on the Commission implies a commitment on the part of a member.

- (a) All members are expected to attend Commission meetings on a regular basis.
- (b) All members are expected to actively participate on at least one committee.
- (c) Voting members are encouraged to participate as liaisons to other County boards and Commissions, subject to the Commission Chairperson's approval.

## **Article IV Meetings**

**Section 1. Legislative Requirement** Refer to Montgomery County Code Sec. 27-51(c). The Commission shall meet at the call of the Chairperson, as frequently as required to perform its duties; but not less than 6 times each year.

**Section 2. Regular Meetings** In practice, the Commission meets monthly on the second Wednesday of each month except for those designated as recessed. This schedule is subject to change by a two-thirds vote of the membership at any Commission meeting, or at the discretion of the Chairperson.

**Section 3. Special Meetings** Special meetings may be called:

- (a) At any time by the Chairperson, with at least 7 days notice to the membership;
- (b) Upon a vote of a majority of the voting members at a meeting of the Commission; or,
- (c) Upon petition by at least one-half of the voting members of the Commission through a signed document transmitted to the Chairperson.

**Section 4. Quorum** - A quorum of the Commission shall consist of a simple majority of the voting members allowed by Code or a majority of positions currently filled at the time of the meeting.

**Section 5. Open Meetings** - The Commission performs an "advisory function" within the meaning of the Maryland Open Meetings Act and is bound by its provisions.

- (a) Closed meetings. Given the nature of the Commission's function, it is not anticipated that any of the special circumstances that permit a closed meeting, other than as related to selection, appointments or legal matters, will be encountered. Most meetings therefore, shall be considered open meetings.
- (b) Public Notice. The public must be provided with adequate notice of the time and location of Commission meetings, which shall be held in places accessible to individuals who would like to attend these meetings.
- (c) Attendance. When the Commission is meeting in open session, the general public is entitled to attend and will be invited to participate in discussions at the discretion of the Chairperson.
  - (1) The Commission may adopt standing rules regarding:
    - (a) The participation and conduct of members and non-members attending its meetings, and
    - (b) Any videotaping, televising, photographing, broadcasting, or recording of its meetings.

**Section 6. Minutes** - A copy of the minutes of the regularly scheduled meetings should be mailed to members at least one week prior to the next regularly scheduled meeting.

- (a) Contents. The minutes may be a summary of actions taken and shall reflect:
  - (1) Each item considered;
  - (2) The action taken on each item; and
  - (3) Each vote that was recorded.
- (b) Approval. The minutes must be submitted to the Commission for approval at the next regular meeting.

## **Article V Officers and Staff**

**Section 1. Numbers and Titles** Officers and staff of the Commission shall be as follows:

- (a) Chairperson and Vice-Chairperson Refer to Montgomery County Code Sec. 27-51(a). The Commission shall have a Chairperson and Vice-Chairperson, who shall respectively have the authority and responsibility customarily conferred on the presiding officers of an organization. The County Executive appoints the chair and vice-chair.
- (b) Treasurer It is not anticipated that the Commission will have any independent funds. Consequently, there is no provision in these By-laws for a Treasurer.
- (c) Staff support Refer to Montgomery County Code Sec. 27-51(d).
- (d) Other Officers
  - (1) A Parliamentarian may be appointed at the option of the Chairperson. If appointed, that officer shall have the duties customarily associated with that position.
  - (2) The Commission may have other officers, if they and the method of their selection are first provided by amendment to these By-laws.

**Section 2. Selection and Appointment of Officers** The determination of officers of the Commission involves the members, the County Executive, and the County Council.

- (a) Nominations An ad hoc committee consisting of 5 (five) voting members and professional staff shall report to the Commission at its October meeting the names of those proposed as nominees for presiding officers to serve during the Commission's next year.
- (b) Election and Appointment At its October meeting, the Commission shall elect nominees to be recommended to the County Executive as proposed Chairperson and Vice-Chairperson(s).

**Section 3. Membership Status** Only voting members of the Commission shall be eligible to serve as officers.

**Section 4. Term of Office** Officers of the Commission shall serve 1 year, from October 1 through September 30.

## **Article VI Committees**

**Section 1. Standing Committees** The Commission shall have the following Committees:

- (a) Steering Committee There shall be a Steering Committee that shall be responsible for planning and directing the activities of the Commission and for overseeing the activities of the committees.
  - (1) The Steering Committee shall consist of:
    - (a) The Chairperson and Vice-Chairperson, who shall serve respectively, as the Chairperson and Vice-Chairperson of the Steering Committee;
    - (b) The Chairpersons, Vice-Chairpersons and/or Co-Chairpersons of each of the several Committees;
    - (c) Professional staff to the Commission; and
    - (d) Additional members as designated by the Chairperson.
  - (2) The Steering Committee shall meet monthly, or as otherwise scheduled by the Chairperson.
- (b) Other Committees The Commission may establish, or the Chairperson may appoint, other committees.

**Section 2. Committee Appointments** Each member of the Commission is expected to participate in one of the various Committees.

- (a) Committee Members Assignment to all Committees shall be made by the Chairperson, with due consideration for the stated preferences of Commission members.
  - (1) All members of the Commission shall be eligible for appointment as members of the Committees.
  - (2) Interested members of the public may also serve on Committees through appointment by the Commission's Chairperson; but they shall not serve as Chairperson or Vice-Chairperson of a Committee.
- (b) Committee Chairperson Every Committee shall have a Chairperson, or Co-Chairpersons, or Vice-Chair who shall be appointed by the Chairperson of the Commission. Only voting members of the Commission shall be appointed as Chairperson.
- (c) Committee Terms. The terms of all Chairpersons, Co-Chairpersons, Vice-Chairpersons and members of Committees shall extend from October 1 through September 30.

**Section 3. Liaisons** - Unless otherwise provided by law, the Commission may establish, and/or the Chairperson may appoint voting members to serve as liaisons with County agencies and departments, other Commissions and any such organizations and agencies deemed appropriate in meeting the responsibilities of the Commission.

## **Article VII Procedures at Meeting**

**Section 1. Legal Requirement** As an advisory body, meetings of the Commission may be conducted informally.

**Section 2. Standing Rules** The Commission may also adopt rules that will aid governance of its meetings, such as a fixed time to convene its regular meetings.

## **Article VIII Autonomy of Members**

Members of the Commission retain their autonomy and may advocate publicly in support of their positions. However, members, holding view in opposition to the Commission may not advocate in support of such dissenting positions while identifying themselves as speaking on behalf of the Commission.

## **Article IX Amendment**

**Section 1. Procedure** Any amendment proposed to these by-laws should be submitted in writing with 30 days notice of change to the members prior to a regularly scheduled meeting of the Commission. It shall be specifically called out as an item on the agenda in the notice of the next regularly scheduled meeting, and shall be voted on at that meeting.

**Section 2. Adoption** Any amendments proposed to these by-laws shall require a two-thirds majority of voting members present to be adopted.

Adopted: November 13, 1991

Amended: April, 1992

December 14, 1994

December 9, 1998

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